

REMARKS

Reconsideration is respectfully requested in view of any changes to the claims and the remarks herein. Please contact the undersigned to conduct a telephone interview in accordance with MPEP 713.01 to resolve any remaining requirements and/or issues prior to sending another Office Action. Relevant portions of MPEP 713.01 are included on the signature page of this amendment.

Claim 26, 35 and 36 have been objected to. To address the objection claim 26 has been amended to depend from claim 21 and claims 35 and 36 have been amended to depend from claim 30. In view thereof withdrawal of the objection is respectfully requested. Claims 23-24, 26 and 35-36 have been rejected under 35 USC 112 second paragraph as being incomplete. The claim of dependency of claims 23-24, 26 and 35-36 has been corrected to address this rejection. In view of this withdraw of this rejection is respectfully requested.

Claims 49, 51-56 have been rejected under 35 USC 112, second paragraph, The term "The device" in line 1 has been amended to be "The information storage device" to provide antecedent basis. In view thereof withdrawal of this rejection is respectfully requested.

In response to the Examiner's comment "There are two device elements in claim 48" the second occurrence "in the devices" has been changed to "said magnetic memory elements."

Claims 21-24, 26-33, 35-37 have been rejected under 35 USC 101. The Examiner states "because the claimed recitation of a use, without setting forth steps involved in the process, results in an improper definition of a process, i.e., results in a claim that is not a process claim under 35 USC 101." The Examiner cites Ex parte Dunki 135 USPQ 678 and Clinical Products 145 USPQ 475 in part of this rejection. Applicants respectfully disagree. The Examiner has not identified a claim that has a

recitation of a use without process steps. For example, the claim 1 preamble recites “A method for writing...” After the transition word “comprising” there are the method steps “providing”, “heating”, “passing an electric current”, etc.

The claim in Ex parte Dunki found not satisfactory 35 USC 101 was
12. The use of a [material] as a velvet brake part subject to stress by sliding friction.

The Clinical v. Brenner decision states at 149 USPQ 477 “A new ‘use’ of a known compensation of matter can be properly claimed only by claiming the invention as a process or method.” Applicants’ claims 21-24, 26-33 and 35-37 are method claims with method steps and are not limited to a mere statement of use of a known compound. Thus Ex parte Dunki and Clinical v. Brenner are not applicable, and applicants respectfully request that this rejected claim 21-24, 26-33 and 35-37 under 35 USC 101 be withdrawn.

Claims 21-24, 26, 29-33, 35-36, 38-49 and 51-60 have been rejected under 35 U.S.C. 102(e) as being anticipated by Ayata et al (US 6,139,126). Applicants respectfully disagrees. Applicants respectfully submit that Ayata does not teach “heating an element of said storage cell for selectively changing the temperature of said changeable magnetic region of said storage cell “recited in claim 1 and similar recitations in other claims. In the Abstract Ayata teaches:

An information recording apparatus has a large plurality of heat energy generating elements corresponding to a like plurality of ejection ports for ejecting ink. The heat energy generating elements cause a change in the state of the ink by heating the ink in response to a drive signal, thereby ejecting ink droplets from corresponding ejection ports. A selection signal sequentially selects from among plural groups of plural heat energy generating element and an information storing device stores recording information, portions of which correspond respectively to selected groups of the heat energy generating elements. A drive circuit supplies drive signals to the selected groups of heat energy generating elements, the drive signals for

each group being supplied in accordance with the corresponding stored portion of the recording information.

Thus Ayata teaches heating to melt ink at ejection ports and not heating to change the magnetic state of a material. Thus Ayata cannot anticipate the claims rejected over Ayata and applicants respectfully request this rejection be withdrawn.

Claims 48-49 and 51 have been rejected as anticipated by Chamberlain et al (U.S. Patent No.: 3,237,173). Applicants respectfully disagree. Withdrawal of this rejection is respectfully requested.

Applicants claims 48-49 and 51 recite "a plurality of heating elements...said heating elements are included with said magnetic memory elements." Chamberlain does not teach this. Chamberlain at Col. 2, lines 1-2 "The heater plane is a unitary structure." Thus Chamberlain does not teach "a plurality of heating elements" as recited in applicants' claims 49, 49 and 51. Chamberlain teaches at Col. 1, lines 69-72 "a memory is constructed of units each including a heater, planes interposed between two coextensive memory planes, the memory planes consisting of symmetrically arranged rows and columns of ferrite magnetic cores." Thus Chamberlain teaches an array of magnetic memory elements. Each memory plane has an array of memory elements. Thus Chamberlain teaches two arrays of memory elements with a single heating element disposed between the memory arrays. Consequently, each memory element of Chamberlain of the array does not have a separate heating element. Chamberlain teaches a single memory element for an array of memory elements because as taught by Chamberlain at Col. 1, line 26-32.

However, the electro-magnetic characteristics of ferrite cores are undesirably affected by excessive changes in ambient temperature. It is, therefore, often necessary, in order to insure reliable operation of the memory, to require that the memory be operated solely in an environment where the temperature remains at a relatively stable level, such as room temperature.

Thus Chamberlain teaches one heating element for an array of memory elements, since Chamberlain teaches maintaining each of the plurality of memory

elements of the array at the same temperature. Thus Chamberlain can not anticipate applicants claims 48, 49 and 51 and withdrawal of this rejection is respectfully requested.

Please charge any fee necessary to enter this paper and any previous paper to deposit account 09-0468.

If the above-identified Examiner's Action is a final Action, and if the above-identified application will be abandoned without further action by applicants, applicants file a Notice of Appeal to the Board of Appeals and Interferences appealing the final rejection of the claims in the above-identified Examiner's Action. Please charge deposit account 09-0468 any fee necessary to enter such Notice of Appeal.

In the event that this amendment does not result in allowance of all such claims, the undersigned attorney respectfully requests a telephone interview at the Examiner's earliest convenience.

MPEP 713.01 states in part as follows:

Where the response to a first complete action includes a request for an interview or a telephone consultation to be initiated by the examiner, ... the examiner, as soon as he or she has considered the effect of the response, should grant such request if it appears that the interview or consultation would result in expediting the case to a final action.

Respectfully submitted,

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